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STATE REGISTER

STATE OF MINNESOTA



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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 8			
16	Monday Oct 3	Monday Oct 10	Monday Oct 17
17	Monday Oct 10	Monday Oct 17	Monday Oct 24
18	Monday Oct 17	Monday Oct 24	Monday Oct 31
19	Monday Oct 24	Monday Oct 31	Monday Nov 7

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Minnesota Housing Finance Agency

Proposed Rules Relating to Income Limits for the Rollover Housing Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules within the 30-day comment period. The rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.13 *et. seq.* If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Judith A. Keiser
Legal Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. § 462A.06, subs. 4 and 11. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Judith A. Keiser upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Judith A. Keiser.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Judith A. Keiser.

Please be advised that Minn. Stat. ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

October 7, 1983

James J. Solem
Executive Director

Rule as Proposed (all new material)

12 MCAR § 3.038 Income limits for rollover housing program.

For the purpose of rollover housing program loans, "persons and families of low and moderate income" means those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.038-1, or such lower amount as required to ensure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Exhibit 12 MCAR § 3.038-1

Mortgage Interest Rate	Nonmetropolitan Area Maximum Adjusted	Metropolitan Maximum Adjusted
0-10.59%	\$24,000	\$29,000
10.60-11.09%	25,000	30,000
11.10-11.59%	26,000	31,000
11.60-12.09%	27,000	32,000
12.10-12.59%	28,000	33,000
12.60% and over	29,000	34,000

Department of Labor and Industry Occupational Safety and Health Division

Proposed Adoption of Standards Implementing the Employee Right-to-Know Act of 1983

Request for Comments

Notice is hereby given that the Department of Labor and Industry proposes to adopt the following additions to the Minnesota Occupational Safety and Health Standards, as authorized under Minn. Stat. § 182.655 (1982), establishing the Occupational Safety and Health Standards described below.

The "Employee Right-to-Know Act of 1983" (Laws of Minnesota 1983, chapter 316) provides the Commissioner of Labor and Industry with a statutory mandate to promulgate standards governing hazardous substances, harmful physical agents, infectious agents, employee training, availability of information, criteria for technically qualified individuals and labeling of hazardous substances and harmful physical agents.

All interested or affected persons are hereby afforded a period of 30 days to submit written data or comments on these proposed standards. Any interested person may file written objections to the proposed standards, stating the reasons for those objections. Any interested person may request, in writing, a public hearing on specific objections to the proposed standards.

Written comments, objections or requests for hearing should be submitted to: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Steve Keefe
Commissioner

Standards as Proposed (all new material)

Chapter Sixteen: Employee Right-to-Know

8 MCAR § 1.7200 Purpose. The standards in this chapter implement the provisions of the Employee Right-to-Know Act of 1983. These standards require employers to evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this Act who are routinely exposed to those substances and agents.

8 MCAR § 1.7201 Scope. The provisions in this chapter apply to all employers and employees in Minnesota with the following exceptions:

A. Technically qualified individuals. Certain technically qualified individuals in a research laboratory or in a hospital or clinic who meet the criteria defined in 8 MCAR § 1.7208 are exempt from the provisions of this chapter.

B. Farms. Farming operations employing ten or fewer employees are exempt from all provisions of this chapter except that label information must be furnished to employees or their representative. Farming operations employing more than ten employees or that operate a temporary labor camp will be required to comply with training requirements developed by the commissioner specifically for farming operations.

C. Small businesses. Small businesses are exempt from the provisions of this chapter relative to hazardous substances and harmful physical agents.

D. Hospitals and clinics. Hospitals and clinics, even though they may be small businesses, must comply with the infectious agents portions of this chapter.

E. Waste haulers. Businesses that provide a service of collecting, processing, or disposing of waste regulated under the federal Resource Conservation and Recovery Act are exempt from the hazardous substance and harmful physical agents training and information requirements of this chapter. These employers, even though they may be small businesses, must develop and implement a training program for their employees and have that program approved by the commissioner.

8 MCAR § 1.7202 Definitions.

A. Applicability. For purposes of 8 MCAR §§ 1.7200-1.7219 the following terms have the meanings given them.

B. "Commissioner" means the Commissioner of the Department of Labor and Industry.

C. "Data sheet" means a vehicle (such as a material safety data sheet, operation standard, placard or display device) used by an employer to communicate to an employee the information required under Minn. Stat. § 182.653, subs. 4b, 4c and 4e.

D. "Department" means the Department of Labor and Industry.

E. "Display device" means a video screen or video display terminal that is part of electronic data processing equipment.

F. "Harmful physical agent" means a physical agent determined by the commissioner as part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee.

Harmful physical agent does not include an agent being developed or utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151. This exemption does not include a physical agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

G. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:

1. is regulated by the Federal Occupational Safety and Health Administration under Title 29 of the Code of Federal Regulations, part 1910, subpart Z;

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PROPOSED RULES

2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; a compressed gas; a carcinogen; a teratogen; a mutagen; a reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

3. is determined by the commissioner as part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered or licensed under Minn. Stat. ch. 151. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

H. "Health care facility" means a hospital, clinic, or physician's office.

I. "Impurity" means a hazardous substance which is unintentionally present with another substance or mixture.

J. "Immediate-use container" means a container into which substances are transferred from labeled containers and which is intended only for the immediate use of the employee who performs the transfer, or a test tube, beaker, vial or similar container which is routinely used and reused.

K. "Infectious agent" means a communicable bacterium, virus, or fungus determined by the commissioner by rule, with approval of the Commissioner of Health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent.

Infectious agent does not include an agent in or on the body of a patient before diagnosis. Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151. This exemption does not include an infectious agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process.

L. "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance or harmful physical agent. The term manufacturer also includes anyone who imports into this state or distributes within this state a hazardous substance or harmful physical agent. It does not include anyone whose primary business concerning the hazardous substance or harmful physical agent is in retail sales to the public.

M. "Material safety data sheet" means any data sheet which contains information required under Minn. Stat. § 182.653, subs. 4b, 4c, and 4e regarding the physical, chemical, and hazardous properties of a substance or mixture. The OSHA Form 20 is one example of a material safety data sheet.

N. "Mixture" means any combination of two or more chemical substances that do not react with each other, but at least one of which is a hazardous substance. Mixtures may be considered as a single hazardous substance if the technical data provided for the mixture as a whole is as effective in protecting employee health as data on each of the individual components would be.

O. "Process container" means a container into which a substance is transferred from a labeled container which is used to contain no more than the quantity needed for one day's process in the workplace.

P. "Research laboratory" means a medical, educational, industrial or manufacturing workplace, or portion of such a workplace, engaged in the development of materials, products, or substances through experimentation, testing or analysis. Research laboratory also includes pilot plant operations performed as research and development functions including tests of physical, chemical, production and performance characteristics.

Q. "Routinely exposed" means a reasonable potential for exposure exists during the normal course of assigned work.

R. "Small business" means a business entity organized for profit, including any individual, partnership, corporation, joint venture, association or cooperative which has 20 or fewer full-time employees, or equivalent full-time employees (part-time employees' work time combined to total 2,000 hours or the equivalent of one full-time employee) during the preceding fiscal year or not more than \$1,000,000 in annual gross revenues in the preceding fiscal year, and which is not an affiliate or subsidiary or a business having more than 20 full-time, or equivalent full-time, employees and more than \$1,000,000 in annual gross revenues.

S. "Technically qualified individual" means a person in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a

pharmacy registered and licensed under Minn. Stat. ch. 151, who, because of professional or technical education, training or experience, understands, prior to the time of exposure, the health risks and the necessary safety precautions associated with each hazardous substance, harmful physical agent, infectious agent or mixture handled or utilized by the person.

8 MCAR § 1.7203 Hazardous substances.

A. General. The commissioner has determined that the list of hazardous substances in paragraph D. shall be covered by the provisions of this chapter. The Hazardous Substance List includes the majority of hazardous substances that will be encountered in Minnesota; it does not include all hazardous substances and will not always be current. Employers shall exercise reasonable diligence in evaluating their workplace for the presence of other hazardous substances and assure that employees are provided with the rights stated in 8 MCAR §§ 1.7200-1.7209.

B. Exemptions. Substances or mixtures within the following categories are exempt from coverage under this standard:

1. Products intended for personal consumption by employees in the workplace;
2. Consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;
3. An item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;
4. Any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;
5. Products sold or used in retail food sale establishments and all other retail trade establishments, exclusive or processing and repair work areas;
6. Any waste material regulated pursuant to the Federal Resource Conservation and Recovery Act, P.L. 94-580, but only with respect to any employer in a business which provides a service of collection, processing or disposal of such waste;
7. Waste products labeled pursuant to the Resource Conservation and Recovery Act. If hazardous substances make up the waste product, the employer must assure that mixing of incompatible substances does not occur;
8. Any substance received by an employer in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace;
9. Any substance, mixture, or product if present in a physical state, volume, or mixture concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

C. Updating list. The list of hazardous substances shall be updated at least bi-annually by the commissioner.

D. List of hazardous substances. The following list of hazardous substances is coded to designate the reference document which contains occupational exposure information concerning the particular substance:

- "A"—American Conference of Governmental Industrial Hygienists (ACGIH); "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment with Intended Changes for 1983-4;" available from: ACGIH, 6500 Glenway Avenue, Building D-5, Cincinnati, Ohio 45211 (513) 661-7881.
- "I"—American Industrial Hygiene Association (AIHA); "Workplace Environmental Exposure Level Guides" 1983; available from: AIHA, 475 Wolf Ledges Parkway, Akron, Ohio 44311-1087; (216) 762-7294.
- "N"—National Institute for Occupational Safety and Health (NIOSH); "Recommendations for Occupational Health Standards;" available from: NIOSH, Publications Dissemination Office, 4676 Columbia Parkway, Cincinnati, Ohio 45226. General information: (513) 684-8235.
- "O"—Occupational Safety and Health Administration (OSHA); Safety and Health Standards, 29 Code of Federal Regulations, Part 1910 Subpart Z, "Toxic and Hazardous Substances, 1983." General information: Minnesota Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, MN 55101; (612) 296-2116.

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PROPOSED RULES

“S”—Occupational Safety and Health Administration “proposed standards.”

“*”—An asterisk denotes substances which are regulated by OSHA as carcinogens, or which have been categorized by the ACGIH as either “human carcinogens” or “suspect of carcinogenic potential for man.”

“Dust”—If the substance poses an airborne particulate exposure hazard, the substance is followed by the word, “dust.”

“Gases”—Refers to displacement of air asphyxiation hazard.

“Skin”—If a potential for absorption from skin contact merits special consideration, the word, “skin” follows the substance name.

List of Hazardous Substances

Abate (Temphos).....	A
Acetaldehyde.....	AO
Acetic acid.....	AO
Acetic anhydride.....	AO
Acetone.....	AO
Acetone cyanohydrin.....	N
Acetonitrile-skin.....	ANO
*2-Acetylaminofluorene.....	O
Acetylene.....	AN
Acetylene dichloride (see 1,2-Dichloroethylene)	
Acetylene tetrabromide.....	AO
Acetylsalicylic acid (Aspirin).....	A
Acrolein.....	AO
Acrylamide-skin.....	ANO
Acrylic acid.....	A
*Acrylonitrile-skin.....	ANO
Aldrin-skin.....	AN
Allyl alcohol-skin.....	AO
Allyl chloride.....	ANO
Allyl glycidyl ether (AGE)-skin.....	ANO
Allyl propyl disulfide.....	AO
Aluminum pyro powders.....	A
Aluminum welding fumes.....	A
Aluminum, soluble salts.....	A
Aluminum, alkyls.....	A
Aminobiphenyl (see Aminodiphenyl)	
*4-Aminodiphenyl-skin.....	AO
2-Aminopyridine.....	AO
*Amitrol.....	A
Ammonia.....	OS
Ammonium chloride, fume.....	A
Ammonium sulfamate.....	O
Amosite (see Asbestos)	
n-Amyl acetate.....	O
sec-Amyl acetate.....	O
Aniline & homologues-skin.....	O
Anisidine (o-p isomers)-skin.....	AO
Antimony & compounds, as Sb.....	ANO
*Antimony trioxide, handling & use, as Sb production.....	A
ANTU (α-Naphthyl thiourea).....	AO
*Arsenic & soluble compounds as As, organic compounds as As.....	ANO
*Arsenic trioxide production.....	A
Arsine.....	AO
*Asbestos.....	AO

PROPOSED RULES

Asphalt (petroleum) fumes	AN
Atrazine.....	A
Azinphos-methyl-skin	AO
Barium, soluble compounds, as Ba	AO
Baygon (Propoxur)	A
Baytex (see Fenthion)	
Benomyl	A
*Benzene.....	ANO
Benezine thiol	N
*Benzidine-skin	AO
p-Benzoquinone (see Quinone)	
Benzoyl peroxide	ANO
*Benzo(a)pyrene	A
Benzyl chloride	ANO
*Beryllium	AN
Beryllium & compounds	MO
Biphenyl (Diphenyl)	AO
Bischloromethyl ether (BCME)	AO
Bismuth telluride	A
Bismuth telluride; Se-doped	A
Borates, tetra, sodium salts	A
Boron oxide	AO
Boron tribromide.....	A
Boron trifluoride	AO
Bromacil	A
Bromine.....	AO
Bromine pentafluoride	A
Bromochloromethane (see Chlorobromomethane)	
Bromoform-skin.....	AO
Bromotrifluoromethane (see Trifluorobromomethane)	
*Butadiene (1,3-Butadiene).....	AO
Butane	A
Butanethiol (see Butyl mercaptan)	
2-Butanone (see Methyl Ethyl Ketone (MEK))	
2-Butoxy ethanol-skin	AO
n-Butyl acetate.....	AO
sec-Butyl acetate	AO
tert-Butyl acetate.....	AO
n-Butyl acrylate.....	A
n-Butyl alcohol-skin	AO
sec-Butyl alcohol	O
tert-Butyl alcohol	O
Butylamine-skin.....	AO
Butyl cellosolve (see 2-Butoxy ethanol)	
tert-Butyl chromate, as CrO ₃ -skin	AO
n-Butyl glycidyl ether (BGE)	AO
n-Butyl lactate	A
Butyl mercaptan	AO
o-sec-Butyl phenol-skin	A
p-tert-Butyl toluene.....	AO
n-Butyronitrile	N

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PROPOSED RULES

Cadmium & its compounds (as Cd).....	N
Cadmium, dust & salts (as Cd), fume.....	ANO
Cadmium oxide fume (as Cd).....	ANO
*Cadmium oxide production (as Cd).....	A
Calcium cyanamide.....	A
Calcium hydroxide.....	A
Calcium oxide.....	AO
Camphor, synthetic.....	AO
Caprolactam, dust & vapor.....	A
Captafol-skin.....	A
Captan.....	A
Carbaryl (Sevin ^R).....	ANO
Carbofuran (Furadan).....	A
Carbon black.....	ANO
Carbon dioxide.....	ANO
Carbon disulfide-skin.....	ANO
Carbon monoxide.....	ANO
Carbon tetrabromide.....	A
*Carbon tetrachloride-skin.....	ANO
Carbonyl fluoride.....	A
Catechol (Pyrocatechol).....	I
Cellosolve acetate (see 2-Ethoxyethyl acetate)	
Cesium hydroxide.....	A
Chlordane-skin.....	AO
Chlordecone (KEPONE).....	N
Chlorinated camphene (Toxaphene)-skin.....	AO
Chlorinated diphenyl oxide.....	AO
Chlorine.....	ANO
Chlorine dioxide.....	AO
Chlorine trifluoride.....	AO
Chloroacetaldehyde.....	AO
α-Chloroacetophenone (Phenacylchloride).....	AO
Chloroacetyl chloride.....	A
Chlorobenzene (Monochlorobenzene).....	AO
o-Chlorobenzylidene malononitrile (OCBM)-skin.....	AO
Chlorobromomethane.....	AO
2-Chloro-1,3-butadiene (see β-Chloroprene)	
Chlorodifluoromethane.....	A
Chlorodiphenyl-skin (PCB).....	AO
42% Chlorine	
54% Chlorine	
1-Chloro-2,3-epoxypropane (see Epichlorohydrin)	
2-Chloroethanol (see Ethylene chlorohydrin)	
Chloroethylene (see Vinyl chloride)	
*Chloroform.....	ANO
bis (2-Chloroisopropyl) ether.....	I
*bis-Chloromethyl ether (BCME).....	AO
*Chloromethyl methyl ether (see Methyl chloromethyl ether)	
1-Chloro-1-nitropropane.....	AO
Chloropentafluoroethane.....	A
Chloropicrin (Trichloronitromethane).....	AO
β-Chloroprene-skin.....	ANO
o-Chlorostyrene.....	A
o-Chlorotoluene-skin.....	A
2-Chloro-6-trichloromethyl pyridine (N-Serve).....	A
Chloropyrifos-skin.....	A
Chromates (see Chromic acid)	

*Chromates of lead and zinc, as Cr	A
Chromic acid and Chromates	O
*Chromite ore processing (Chromate), as Cr	A
Chromium metal	AO
Chromium (II) compounds, as Cr	A
Chromium (III) compounds, as Cr	A
*Chromium (VI) compounds as Cr (water soluble)	A
Chromium (VI) compounds	AN
Chromium (VI) compounds, (certain water insoluble ones)	AN
Chromium, soluble chromic, chromous salts, as CR	AO
Chromyl chloride	A
*Chrysene	A
Clopidol	A
Coal dust	O
*Coal tar pitch volatiles, as Benzene solubles	ANO
Cobalt	AO
*Coke oven emissions	O
Copper dust & mists, as Cu	AO
Copper fume	AO
Cotton dust, raw	ANO
CragR herbicide (see Sodium-2,4-dichloro-phenoxyethyl sulfate)	
Cresol, all isomers-skin	ANO
Crotonaldehyde	AO
Crufomate	A
Cumene-skin	AO
Cyanamide	A
Cyanides, as Cn-skin	AO
Cyanogen	A
Cyanogen chloride	A
Cyclohexane	AO
Cyclohexanethiol	N
Cyclohexanol	AO
Cyclohexanone	ANO
Cyclohexene	AO
Cyclohexylamine-skin	A
Cyclonite-skin	A
Cyclopentadiene	AO
Cyclopentane	A
Cyhexatin	A
2,4-D (2,4-Dichlorophenoxyacetic acid)	AO
DDT (Dichlorodiphenyltrichloro ethane)-skin	ANO
DDVP (see Dichlorvos)	
Decaborane-skin	AO
Decabromodiphenyloxide	I
Demeton-skin	AO
Diacetone alcohol (4-Hydroxy-4-methyl-2-pentanone)	ANO
1,2-Diaminoethane (see Ethylenediamine)	
Diatomaceous earth, uncalcined, dust	A
Diazinon-skin	A
Diazomethane	AO
Diborane	AO

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*DBCP (1,2-Dibromochloropropane)	NO
1,2-Dibromoethane (see Ethylene dibromide)	
Dibrom (Dimethyl-1,2-dibromo-2,2-dichloroethyl phosphate)	A
2-N-Dibutylaminoethanol-skin	A
Dibutyl phosphate	AO
Dibutyl phthalate	AO
Dichloroacetylene	A
o-Dichlorobenzene	AO
p-Dichlorobenzene	AO
*3,3'-Dichlorobenzidine-skin	AO
Dichlorodifluoromethane	AO
1,3-Dichloro-5,5-dimethyl hydantoin	AO
1,1-Dichloroethane	AO
1,2-Dichloroethane (see Ethylene dichloride)	
1,1-Dichloroethylene (see Vinylidene chloride)	
1,2-Dichloroethylene	AO
Dichloroethyl ether-skin	AO
Dichlorofluoromethane	A
Dichloromethane (see Methylene chloride)	
Dichloromonofluoromethane	O
1,1-Dichloro-1-nitroethane	AO
1,2-Dichloropropane (see Propylene dichloride)	
Dichloropropene-skin	A
2,2-Dichloropionic acid	A
Dichlorotetrafluoroethane (Fluorocarbon 114)	AO
Dichlorvos (DDVP)-skin	AO
Dicrotophos-skin	A
Dicyclohexylmethane-4,4'-diisocyanate	N
Dicyclopentadiene	A
Dicyclopentadienyl iron	A
Dieldrin-skin	ANO
Diethanolamine	A
Diethylamine	AO
Diethylamino ethanol-skin	AO
Diethylene dioxide (see Dioxane)	
Diethylene triamine-skin	A
Diethyl ether (see Ethyl ether)	
Diethyl ketone	A
Diethyl phthalate	A
Difluorodibromomethane (FREON 12B2)	AO
Diglycidyl ether (DGE)	ANO
Dihydroxybenzene (see Hydroquinone)	
Diisobutyl ketone	AO
Diisobutylene	IN
Diisocyanates (not including those listed separately)	N
Diisopropylamine-skin	NO
Dimethoxymethane (see Methylal)	
Dimethyl acetamide-skin	AO
Dimethylamine	AO
*4-Dimethylaminoazobenzene	O
Dimethylaminobenzene (see Xylidene)	
Dimethylaniline (N,N-Dimethylaniline)-skin	AO
Dimethylbenzene (see Xylene)	
*Dimethyl carbamyl chloride	A
Dimethyl-1,2-cibromo-2-dichloroethyl phosphate (see Dibrom ^R)	
Dimethyl ether	I
Dimethylformamide-skin	AO

2,6-Dimethyl-4-heptanone (see Diisobutyl ketone)	
*1,1-Dimethylhydrazine-skin.....	ANO
Dimethyl phthalate	AO
*Dimethyl sulfate-skin	AO
Dinitolmide	A
Dinitrobenzene, all isomers-skin	AO
Dinitro-o-cresol (DNOC)-skin.....	ANO
3,5-Dinitro-o-toluamide (Zalene)	A
Dinitrotoluene-skin	AO
Dioxane, tech. grade (Diethylene dioxide)-skin	ANO
Dioxathion (Delanov)-skin.....	A
Diphenyl (see Biphenyl)	
Diphenylamine.....	A
Diphenyl ether (see Phenyl ether)	
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	
Dipropylene glycol methyl ether	AO
Dipropyl ketone (4-Heptanone)	A
Diquat	A
Di-sec-octyl phthalate (di(2-Ethylhexyl)phthalate)	AO
Disulfiram	A
Disulfoton (Disyston)	A
2,6-Di-tert-Butyl-p-cresol.....	A
Diuron	A
Divinyl benzene.....	A
Dust, Inert or Nuisance ¹	A
Including: α-Alumina (Al ₂ O ₃)	Plaster of Paris
Aluminum, metal & oxide	Portland Cement
Calcium carbonate	Rouge
Calcium silicate	Silicon
Cellulose (paper fiber)	Silicon Carbide
Emery	Starch
Glycerin Mist	Sucrose
Graphite (synthetic)	Titanium Dioxide
Gypsum	Vegetable oil mists
Kaolin	(except castor, cashew nut,
Limestone	or similar irritant oils)
Magnesite	Zinc Stearate
Marble	Zinc oxide dust
Mineral Wool Fiber	
Pentaerthritol	
Perlite	
Dyfonate-skin.....	A
Endosulfan (Thiodan)-skin	A
Endrin-skin	AO
Epichlorohydrin-skin	NO
EPN-skin.....	AO
1,2-Epoxy propane (see Propylene oxide)	
2,3-Epoxy-1-propanol (see Glycidol)	

¹ When toxic impurities are not present, e.g. contains less than 1% quartz

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Ethanethiol (see Ethyl mercaptan)	
Ethanolamine	A
Ethion-skin	A
2-Ethoxyethanol-skin	AO
2-Ethoxyethyl acetate-skin	AO
Ethyl acetate	AO
Ethyl acrylate-skin	AO
Ethyl alcohol (Ethanol)	AO
Ethylamine	AO
Ethyl amyl ketone (5-Methyl-3-heptanone)	AO
Ethyl benzene	AO
Ethyl bromide	AO
Ethyl butyl ketone (3-Heptanone)	AO
Ethyl chloride	AO
Ethylene chlorohydrin-skin	AO
Ethylene diamine	AO
*Ethylene dibromide-skin	ANO
Ethylene dichloride (1,2-Dichloroethane)	ANO
Ethylene glycol, particulate & vapor	A
Ethylene glycol dinitrate (EGDN)-skin and/or Nitroglycerin	O
Ethylene glycol methyl ether acetate-skin	AO
*Ethylene imine-skin	AO
*Ethylene oxide	AOS
Ethyl ether	AO
Ethylidene norbornene	A
Ethyl mercaptan	AO
Ethyl methacrylate	
N-Ethyl morpholine-skin	AO
Ethyl silicate	AO
Fensulfothion (Dasanit)	A
Fenthion	A
Ferbam	AO
Ferrovandium	AO
Fibrous glass dust (see Glass)	
Fluoride, as F, as dust	ANO
Fluorine	AO
Fluorocarbon 11	(see Trichlorofluoromethane)
Fluorocarbon 12	(see Dichlorodifluoromethane)
Fluorocarbon 13b1	(see Trifluoromonobromomethane)
Fluorocarbon 21	(see Dichlorofluoromethane)
Fluorocarbon 22	(see Chlorodifluoromethane)
Fluorocarbon 31	(see Chlorofluoromethane)
Fluorocarbon 112	(see 1,1,1,2-Tetrachloro-2,2-difluoroethane)
Fluorocarbon 113	(see Trichlorotrifluoroethane)
Fluorocarbon 114	(see Dichlorotetrafluoroethane)
Fluorocarbon 115	(see Chloropentafluoroethane)
Fluorocarbon 124	(see Chlorotetrafluoroethane)
Fluorocarbon 132b	(see Dichlorodifluoroethane)
Fluorocarbon 133a	(see Chlorotrifluoroethane)
Fluorocarbon 141b	(see Dichlorofluoroethane)
Fluorocarbon 142b	(see Chlorodifluoroethane)
Fluorocarbon 152a	(see Difluoroethane)
Fluorocarbon C-318	(see Octafluorocyclobutane)
Fluorotrichloromethane	(see Trichlorofluoromethane)
Fonofos-skin	AO
*Formaldehyde	ANO
Formamide	A

PROPOSED RULES

Formic acid	AO	
Furfural-skin.....	A	
Furfuryl alcohol-skin	A	
Gasses, Simple Asphyxiants.....	A	
Including:		
Acetylene	Helium	Neon
Argon	Hydrogen	Propane
Ethane	Methane	Propylene
Ethylene		
Gasoline	A	
Germanium tetrahydride	A	
Glass, fibrous or dust	N	
Glutaraldehyde.....	A	
Glycidol (2,3-Epoxy-1-propanol)	AO	
Glycol ethers		
Glycol monoethyl ether (see 2-Ethoxyethanol)		
Glycolonitrile	N	
Graphite, natural, dust.....	AO	
Guthion (see Azinphos-methyl)		
Hafnium	AO	
Halothane	A	
Halowax (see Hexachloronaphthalene)		
Heptachlor-skin	AO	
Heptane (n-Heptane)	ANO	
3-Heptanone (see Ethyl butyl ketone)		
*Hexachlorobutadiene	A	
Hexachlorocyclopentadiene	A	
Hexachloroethane	AO	
Hexachloronaphthalene (Halowax 1014)-skin	AO	
Hexadiene.....	I	
Hexafluoroacetone	A	
*Hexamethyl phosphoramidate-skin.....	A	
Hexamethylene diisocyanate	N	
Hexane (n-Hexane).....	ANO	
Hexane, other isomers.....	A	
Hexanediol diacrylate.....	I	
1-Hexanethiol.....	N	
2-Hexanone (Methyl n-butyl ketone)	O	
Hexone (Methyl isobutyl ketone)	O	
sec-Hexyl acetate	AO	
Hexylene glycol.....	A	
*Hydrazine-skin.....	ANO	
Hydrogenated terphenyls.....	A	
Hydrogen bromide	AO	
Hydrogen chloride	AO	
Hydrogen cyanide-skin	AO	
Hydrogen fluoride, as F.....	ANO	
Hydrogen peroxide	A	
Hydrogen peroxide (90%)	O	
Hydrogen selenide	AO	
Hydrogen sulfide	ANO	

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Hydroquinone	ANO
2-Hydroxypropyl acrylate-skin.....	A
Indene	A
Indium & compounds, as In	A
Inert or Nuisance Dusts (see Dust)	
Iodine	AO
Iodoform	A
Iron oxide fume (Fe ₂ O ₃), as Fe	AO
Iron pentacarbonyl, as Fe	A
Iron salts, soluble, as Fe	A
Isoamyl acetate	AO
Isoamyl alcohol	AO
Isobutyl acetate	AO
Isobutyl alcohol	AO
Isobutyronitrile	N
Isooctyl alcohol	A
Isophorone	AO
Isophorone diisocyanate-skin	A
Isopropoxyethanol	A
Isopropyl acetate	AO
Isopropyl acetone (see Methyl isobutyl ketone)	
Isopropyl alcohol	ANO
Isopropylamine	A
N-Isopropylaniline-skin	A
Isopropyl ether	AO
Isopropyl glycidyl ether (IGE)	ANO
Kepone (see Chlordecone)	
Ketene	AO
Lead, inorganic fumes & dusts, as Pb	ANO
Lead arsenate, as Pb	A
Lead chromate (Cr)	A
Lindane-skin.....	AO
Lithium hydride.....	AO
L.P.G. (Liquified Petroleum Gas)	AO
Magnesium oxide fume	AO
Malathion-skin	ANO
Maleic anhydride.....	AO
Malononitrile	S
Manganese	O
Manganese & compounds, as Mn, dust & fume.....	A
Manganese cyclopentadienyltricarbonyl, as Mn-skin.....	A
Manganese tetroxide.....	A
Mercaptoacetic acid (see Thioglycolic acid)	
Mercury, as Hg-skin.....	AN
Mesityl oxide	ANO
Methacrylic acid	A
Methanethiol (see Methyl mercaptan)	
Methomyl (Lannate)-skin	A
Methoxychlor.....	AO
2-Methoxyethanol (Methyl cellosolve)-skin	AO
2-Methoxyethyl acetate-skin.....	A
4-Methoxyphenol.....	A
Methyl acetate	AO
Methyl acetylene-propadiene mixture (MAPP).....	AO
Methyl acetylene (Propyne)	AO
Methyl acrylate-skin	AO
Methyl acrylonitrile-skin	A

Methylal (Dimethoxy methane)	AO
Methyl alcohol (Methanol)-skin	ANO
Methyl amine	AO
Methyl amyl alcohol (see Methyl isobutyl carbinol)-skin	
Methyl n-amyl ketone (2-Heptanone)	ANO
N-Methyl aniline-skin	A
Methyl bromide-skin	AO
Methyl-n-butyl ketone	ANO
Methyl cellosolve-skin	O
Methyl cellosolve acetate (Ethylene glycol monomethyl ether acetate)-skin	AO
Methyl chloride	AO
Methyl chloroform (1,1-Trichloroethane)	ANO
*Methyl chloromethylether	AO
Methyl-2-cyano acrylate	A
Methyl cyclohexane	AO
Methyl cyclohexanol	AO
o-Methyl cyclohexanone-skin	AO
Methyl cyclopentadienyl manganese tricarbonyl, as Mn-skin	A
Methyl demeton-skin	A
Methylene bisphenyl isocyanate (MDI)	ANO
Methylene chloride	ANO
*4,4'-Methylene-bis(2-Chloroaniline) (MOCA)-skin	AN
Methylene bis (4-Cyclohexylisocyanate)	A
4,4-Methylenedianiline-skin	A
Methyl ether ketone (MEK)	ANO
Methyl ethyl ketone peroxide	AO
Methyl formate	AO
5-Methyl-3-heptanone (see Ethyl amyl ketone)	
*Methyl hydrazine-skin	AO
*Methyl iodide-skin	AO
Methyl isoamyl ketone	A
Methyl isobutyl carbinol-skin	AO
Methyl isobutyl ketone (Hexone)	ANO
Methyl isocyanate-skin	AO
Methyl isopropyl ketone	A
Methyl mercaptan	AO
Methyl methacrylate	AO
Methyl parathion-skin	AN
Methyl-n-propyl keton	ANO
Methyl silicate	A
α-Methyl styrene	AO
Mevinphos (PHOSDRIN®)-skin	A
Mica, dust	AO
Molybdenum, as Mo, soluble & insoluble compounds	AO
Monocrotophos (Azodrin)	A
Monomethyl aniline-skin	AO
Monomethyl hydrazine-skin	
Morpholine-skin	AO
Naled	A
Naphtha (Coal Tar)	O

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Naphtha (Varnish Makers & Painters or VM&P Naphtha)	A
Naphtha (Rubber Solvent)	A
Naphthalene	AO
Naphthalene diisocyanate	N
* α -Naphthylamine	O
* β -Naphthylamine	A
α -Naphthylthiourea (see ANTU)	
Nickel carbonyl, as Ni	AO
Nickel, metal, soluble compounds, as Ni	ANO
*Nickel sulfide roasting, fume, & dust, as Ni	A
Nicotine-skin	AO
Nitrapyrin	A
Nitric acid	ANO
Nitric oxide	AO
p-Nitroaniline-skin	AO
Nitrobenzene-skin	AO
p-Nitrochlorobenzene-skin	AO
Nitrochloromethane (see Chloropicrin)	
*4-Nitrodiphenyl	AO
Nitroethane	AO
Nitrogen dioxide	ANO
Nitrogen trifluoride	AO
Nitroglycerin (NG)-skin	ANO
Nitromethane	AO
1-Nitropropane	AO
*2-Nitropropane	AO
*N-Nitrosodimethylamine (Dimethylnitrosoamine)-skin	AO
Nitrotoluene-skin	AO
Nitrous oxide	N
Nonane	A
Nuisance Dust (see Dust)	
Octachloronaphthalene-skin	AO
Octane	ANO
Oil mist, mineral	AO
Organic arsenic compounds, as As	O
Organo (alkyl) mercury	O
Organotin compounds	NO
Osmium tetroxide, as Os	AO
Oxalic acid	AO
Oxygen difluoride	AO
Ozone	AO
PCB (see Chlorodiphenyl)	
Paraffin wax fume	A
Paraquat-skin	AO
Parathion-skin	ANO
Particulate polycyclic aromatic hydrocarbons (PPAH) (see Coal tar pitch volatiles)	
Pentaborane	AO
Pentachloronaphthalene	AO
Pentachlorophenol-skin	AO
Pentaerythritol triacrylate	I
Pentane	ANO
2-Pentanone (see Methyl propyl ketone)	
Perchloroethylene (Tetrachloroethylene)-skin	ANO
Perchloromethyl mercaptan	AO
Perchloryl fluoride	AO
Petroleum Distillates (Naphtha)	O

Phenol-skin	ANO
Phenothiazine-skin	A
*N-Phenyl-beta-naphthylamine	A
p-Phenylene diamine-skin	AO
Phenyl ether	AO
Phenyl ether-biphenyl mixture, vapor	O
Phenylethylene (see Styrene, monomer)	
Phenyl glycidyl ether (PGE)	NO
*Phenyl hydrazine-skin	ANO
Phenyl mercaptan	A
Phenylphosphine	A
Phorate (Thimet)-skin	A
Phosdrin (Mevinphos)-skin	AO
Phosgene (Carbonyl chloride)	NO
Phosphamidon	O
Phosphine	AO
Phosphoric acid	AO
Phosphorus (yellow)	AO
Phosphorus oxychloride	A
Phosphorus pentachloride	AO
Phosphorus pentasulfide	AO
Phosphorus trichloride	AO
Phthalic anhydride	AO
m-Phthalodinitrile	A
Picloram (Tordon)	A
Picric acid (2,4,6-Trinitrophenol)-skin	AO
Pindone (2-Pivaloyl-a,3-indandione)	A
Piperazine dihydrochloride	A
Piperidine	I
PivalR (Pindone)	AO
Platinum (Metal)	A
Platinum, soluble salts, as Pt	AO
Polychlorobiphenyls (see Chlorodiphenyls)	
Polyethylene glycol, particulate	I
Polypropylene glycol, particulate	I
Polytetrafluoroethylene (TEFLON) decomposition products	A
Potassium bromate	AI
Potassium hydroxide	A
Propane	AO
*Propane sultone	A
1-Propanethiol (see Propyl mercaptan)	
Propargyl alcohol-skin	A
*β-Propiolactone	AO
Propionic acid	A
Propoxur (see BAYGON [®])	
n-Propyl acetate	AO
n-Propyl alcohol-skin	AO
n-Propyl mercaptan	O
n-Propyl nitrate	AO
Propylene dichloride (1,2-Dichloro propane)	AO
Propylene glycol dinitrate (PGDN)-skin	A

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Propylene glycol monomethyl ether	A
*Propylene imine-skin	AO
Propylene oxide	AO
Propyne	AO
Pseudocumene (see 1,2,4-Trimethyl benzene)	
Pyrethrum	AO
Pyridine	AO
Pyrocatechol (Catechol)	A
Quinone	AO
Quinoline	I
RDX (see Cyclonite)-skin	A
Resorcinol	A
Rhodium	AO
Ronnel	AO
Rosin core solder kpyrolysis products, as Formaldehyde	A
Rotenone (Commercial)	AO
Rubber solvent (Naphtha)	AO
Selenium compounds, as Se	AO
Selenium hexafluoride, as Se	AO
Sesone	A
Sevin	AO
Silane	A
Silica (SiO ₂)	ANO
Silicon tetrahydride	A
Silver, metal & soluble compounds, as Ag	AO
Soapstone, dust	AO
Sodium azide	A
Sodium bisulfite	A
Sodium 2,4-dichlorophenoxyethyl sulfate (CRAG)	AO
Sodium fluoroacetate (1080)-skin	AO
Sodium hydroxide	AO
Sodium metabisulfite	A
Stibine	AO
Stoddard solvent	ANO
Strychnine	AO
Styrene, monomer	AO
Subtilisin (Proteolytic enzymes as 100% pure crystalline enzyme)	A
Succinonitrile	N
Sulfotep-skin	A
Sulfur dioxide	ANO
Sulfur hexafluoride	AO
Sulfuric acid	ANO
Sulfur monochloride	AO
Sulfur pentafluoride (Dimer)	AO
Sulfur tetrafluoride	A
Sulfuryl fluoride	AO
Systox-skin	AO
2,4,5-T (2,4,5-Trichlorophenoxyacetic acid)	AO
Talc (Nonasbestiform, resp. & fibrous)	AO
Tantalum	AO
TEDP (Tetraethyldithionopyrophosphate)-skin	AO
Teflon decomposition products	A
Tellurium & compounds, as Te	AO
Tellurium hexafluoride, as Te	AO
TEPP-skin	AO
Temephos	A
Terphenyls	AI

1,1,1,2-Tetrachloro-2,2-difluoroethane (Fluorocarbon 112a)	AO
1,1,2,2-Tetrachloro-1,2-difluoroethane (Fluorocarbon 112)	AO
1,1,2,2-Tetrachloroethane-skin	ANO
Tetrachloroethylene (see Perchloroethylene)	
Tetrachloromethane (see Carbon tetrachloride)	
Tetrachloronaphthalene-skin	AO
Tetraethyl lead, as Pb-skin	AO
Tetraethylene glycol diacrylate	I
Tetrahydrofuran	AO
Tetramethyl lead, as Pb-skin	AO
Tetramethylsuccinonitrile-skin	ANO
Tetranitromethane	AO
Tetrasodium pyrophosphate	A
Tetryl (2,4,6-Trinitrophenylmethylnitramine)-skin	AO
Thallium	AO
4,4'Thiobis (6-tert butyl-m-cresol)	A
Thioglycolic acid	A
Thiols (N-alkyl mercaptans)	N
Thiram (Tetramethyl thiuram disulfide)	AO
Tin metal	AO
Tin oxide, dust	A
*o-Tolidine	A
Toluene (Toluol)-skin	ANO
Toluene-2,4-diisocyanate (TDI)	ANO
p-Toluenesulfonyl chloride	I
*o-Toluidine-skin	ANO
Toxaphene (see Chlorinated camphene)	
Tremolite (see Talc, fibrous)	
Tributyl phosphate	AO
Trichloroacetic acid	A
1,2,4-Trichlorobenzene	A
1,1,1-Trichloroethane (see Methyl chloroform)	
1,1,2-Trichloroethane-skin	AO
Trichloroethylene	ANO
Trichlorofluoromethane (Fluorocarbon 11)	A
Trichloromethane (see Chloroform)	
Trichloronaphthalene (Halowax)	AO
Trichloronitromethane (see Chloropicrin)	
1,2,3-Trichloropropane	AO
1,1,2-Trichloro-1,2,2-trifluoroethane (Fluorocarbon 113)	AO
Tricyclohexyltin hydroxide (Cyhexatin)	A
Triethylamine	AO
Triethylene glycol diacrylate	I
Tricluorobromomethane (Fluorocarbon 13B1)	AO
Trimellitic anhydride	A
Trimethyl amine	AI
Trimethyl benzene	A
Trimethyl phosphite	A
Trimethylol propane triacrylate	I
Trimethylol propane trimethacrylate	I
2,4,6-Trinitrophenol (see Picric acid)	

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PROPOSED RULES

2,4,6-Trinitrophenylmethylnitramine (see Tetryl)	
2,4,6-Trinitrotoluene (TNT)-skin	AO
Triorthocresyl phosphate (TOCP)	AO
Triphenyl amine	A
Triphenyl phosphate	AO
Trisodium phosphate	I
Tungsten & compounds, as W	A
Turpentine	AO
Uranium, natural compounds, as U, soluble & insoluble	AO
Valeraldehyde	A
Vanadium, dust & fume	AO
Vinyl acetate	A
Vinyl benzene (see Styrene)	
*Vinyl bromide	A
*Vinyl chloride	ANO
Vinyl cyanide (see Acrylonitrile)	
*Vinyl cyclohexene dioxide	A
Vinyl halides	N
Vinylidene chloride (1,1-Dichloroethylene)	A
Vinyl toluene	AO
VM&P naphtha	A
Warfarin	AO
Welding fumes	A
Wood dust	A
certain hardwoods—(as beech & oak)	
softwood	
Xylene (o-m-p-isomers)-skin	ANO
m-Xylene 2,2-diamine (MXDA, meta-meta-xylenediamine)	A
Xylidene-skin	AO
Zinc chloride fume	AO
Zinc chromate, as Cr	A
Zinc oxide fume	ANO
Zirconium compounds, as Zr	AO

8 MCAR § 1.7204 Harmful physical agents.

A. General. The commissioner has determined that the list of harmful physical agents in paragraph C. shall be covered by the provisions of this chapter. The Harmful Physical Agents List includes the majority of physical agents that may be encountered in Minnesota. Where there is a reasonably foreseeable potential for exposure to one or more of these physical agents at a level which may be expected to approximate or exceed the permissible exposure limit the employer must provide training to employees as required in 8 MCAR § 1.7206.

B. Updating list. The list of harmful physical agents shall be updated at least bi-annually by the commissioner.

C. Harmful physical agents list.

1. Heat.
2. Noise.

3. Ionizing radiation. Any employer who possesses or uses by-product material, source material, or special nuclear material, as defined in the Atomic Energy Act of 1954 as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of 10 Code of Federal Regulations, Part 19, shall be deemed to be in compliance with the harmful physical agent provisions of the Employee Right-to-Know Act of 1983.

4. Non-ionizing radiation.

8 MCAR § 1.7205 Infectious agents.

A. General. The commissioner has determined that the list of infectious agents in paragraph C. of this section shall be covered by the provisions of this chapter. This list includes the majority of known communicable infectious agents which may be encountered in Minnesota. The list does not include all infectious agents nor will the list always be current. Employers must exercise reasonable diligence in evaluating their workplace for the presence of other infectious agents and assure that

employees are provided with the rights stated in 8 MCAR §§ 1.7200-1.7209. Training must be provided to employees on only those infectious agents to which employees may be routinely exposed; training need not be provided on all infectious agents on the list.

B. Updating list. The list of infectious agents shall be updated at least bi-annually by the commissioner.

C. List of infectious agents. The following list of infectious agents is coded to designate a reference document which contains information concerning the particular agent:

- “A”—Isolation Techniques for Use in Hospitals, Centers for Disease Control, 1975.
- “B”—Diagnostic Microbiology, Fifth Edition, Bailey and Scott’s, 1978.
- “C”—Control of Communicable Disease in Man, Abram S. Benenson, Editor; American Public Health Association, 1981.
- “D”—Biosafety in Microbiological and Biomedical Laboratories, DRAFT, Centers for Disease Control, March 1983.
- “M”—Reportable Diseases List, Minnesota Department of Health, Revised 1983.
- “O”—Classification of Micro-organisms on the Basis of Hazard, Appendix B-1, Centers for Disease Control and National Institute of Health, 1982.

1. Bacterial Agents:

Bacillus anthracis	ABCDM
Bartonella	C
Bordetella	ABCM
Borrelia	AC
Brucella	ABCDM
Campylobacter	ABCDM
Corynebacterium diphtheriae	ABCDM
Escherichia coli, enteropathogenic serotypes	ACM
Francisella tularensis	BCD
Haemophilus influenzae	ABCM
Klebsiella pneumoniae	ABCM
Legionella pneumophila	ACD
Leptospira interrogans	ABCDM
Listeria monocytogenes	C
Moraxella	C
Mycobacteria	ABCDM
Mycoplasma	ABC
Neisseria gonorrhoeae, N. meningitidis	ABCDM
Pasteurella	ACM
Pseudomonas pseudomondesi, P. mallei	ABCD
Salmonella	ABCDM
Shigella	ACDM
Staphylococcus aureus	ABCM
Streptococcus pneumoniae, S. pyogenes, S. group A	ABCM
Treponema	B
Vibrio cholerae, V. fetus, V. parahemolyticus	ABCM
Yersinia pestis	ACDM

2. Viral Agents:

Adenoviruses—human—all types	AC
AIDS agent	
Arboviruses	C
California virus	
Western equine encephalitis virus	

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PROPOSED RULES

St. Louis encephalitis virus	
Eastern equine encephalitis virus	
Arenaviruses:	ACDM
Lassa Fever virus	
Corona viruses	C
Coxsackie A and B viruses	ABC
Dengue virus	CD
Ebola fever virus	AC
Echo viruses—all types	ABC
Hantan (Hemorrhagic fever)	C
Hemorrhagic fever agents	C
Hepatitis—types A, B, non-A/non-B, unspecified	ACDM
Herpes Viruses:	ACD
Simplex II	
Varicella zoster	
Cytomegalo virus	
Epstein-Barr virus	
Influenza viruses	AC
Jacob-Creutzfeldt virus	ACD
Kuru	ACD
Lymphocytic choriomeningitis virus	CD
Lymphogranuloma venereum agent	AC
Marburg virus	AC
Measles virus	ACM
Mumps virus	ACM
Parainfluenza virus	C
Polio viruses—all types	ABCDM
Pox viruses	CD
Rabies virus	ACDM
Respiratory syncytial virus	AC
Rhinoviruses—all types	C
Rota virus	C
Rubella virus	ACM
Simian virus	C
Variola (Small pox)	ACM
Yellow fever virus	ACM
3. Fungal Agents:*	
Blastomyces dermatitidis	ACD
Coccidioides immitis	ABCD
Histoplasma capsulatum	ABCD
Mucoraceae	C
Paracoccidioides brasiliensis	C
Sporothrix schenckii	ACD

8 MCAR § 1.7206 Training.

A. General. The following requirements apply to training programs provided to employees concerning hazardous substances, harmful physical agents, and infectious agents.

1. Training shall be made available by, and at the cost of, the employer.

2. Records of training provided under the requirements of this chapter must be maintained by the employer, retained for five years, and made available, upon request, for review by employees and representatives of the Occupational Safety and Health Division.

3. Information and training programs may relate to specific exposure hazards; the common hazards of a broad class of hazardous substances, harmful physical agents, and infectious agents; or to the hazards of a complete production operation,

* Laboratory risk only—no risk to patient-care personnel

whichever is more effective. Specific information on individual hazardous substances or mixtures, harmful physical agents and infectious agents must be available in writing for employees' use.

4. Access to a display device shall constitute compliance with the requirement for a written copy of required information which shall be readily accessible in the area or areas in which the hazardous substance, harmful physical agent or infectious agent is used or handled, provided that a hard copy printout is available to the employee requesting it within 24 hours, excluding non-workdays.

5. Frequency of training.

a. Training must be provided to an employee prior to initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance, harmful physical agent or infectious agent.

b. Additional training must be provided to an employee, within 24 hours, whenever that employee may be routinely exposed to any additional hazardous substances, harmful physical agents, or infectious agents.

c. All employees who have been routinely exposed to a hazardous substance, harmful physical agent, or infectious agent prior to January 1, 1984 must be provided with training with respect to those substances and agents by July 1, 1984.

d. Training updates must be repeated at intervals of not greater than one year. Training updates may be brief summaries of information included in previous training sessions.

6. The commissioner may, upon request of an employer, certify an existing training program as complying with this chapter.

7. The employer shall maintain current information for training or information requests by employees.

B. Training program for hazardous substances. The training program for hazardous substances to which employees may be routinely exposed must include the following:

1. The name or names of the substance including any generic or chemical name, trade name, and commonly used name;

2. The level, if any and if known, at which exposure to the substance has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially hazardous substances;

3. The known acute and chronic effects of exposure at hazardous levels;

4. The known symptoms of the effects;

5. Any potential for flammability, explosion, or reactivity of the substance;

6. Appropriate emergency treatment;

7. The known proper conditions for use of and exposure to the substance;

8. Procedures for cleanup of leaks and spills;

9. The name, phone number and address of a manufacturer of the hazardous substance; and

10. A written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

C. Training program for harmful physical agents. The training program for harmful physical agents to which an employee may be routinely exposed at a level which may be expected to approximate or exceed an accepted threshold limit value shall include the information required by the standard for that physical agent as determined by the commissioner including the following:

1. The name or names of the physical agent including any commonly used synonym;

2. The level, if any and if known, at which exposure to the physical agent has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially harmful physical agents;

3. The known acute and chronic effects of exposure at hazardous levels;

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PROPOSED RULES

4. The known symptoms of the effects;
5. Appropriate emergency treatment;
6. The known proper conditions for use of and/or exposure to the physical agent;
7. The name, phone number and address, if appropriate, of a manufacturer of the harmful physical agent; and
8. A written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employees may be exposed to the agent through use, handling or otherwise.

D. Training program for infectious agent. Training for employees who are routinely exposed to infectious agents shall be provided in a manner which can be reasonably understood by the employees and must include the following:

1. Chain of infection, or infectious disease process, including:
 - a. Agents.
 - b. Reservoirs.
 - c. Modes of escape from reservoir.
 - d. Modes of transmission.
 - e. Modes of entry into host.
 - f. Host susceptibility.
2. Proper techniques for the employee to avoid self-contamination consistent with good patient care. Specific agents may be grouped to facilitate training;
3. Hazards to special at-risk employee groups as information is available;
4. Recommended immunization practices; and
5. How to gain access to further information and reference materials that must be made available in the workplace including the location, contents, and availability of pertinent materials that explain symptoms and effects of each infectious agent.

8 MCAR § 1.7207 Availability of information.

A. Data sheets.

1. A written document containing the information required in the training programs described in 8 MCAR § 1.7206 B. and C. shall be available for each hazardous substance or harmful physical agent to which employees who are not technically qualified individuals are routinely exposed.
2. A material safety data sheet may be prepared on an entire product mixture if hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture, information on the mixture will be as effective in protecting employee health as information on the ingredients, and the hazardous substances in the mixture are identified together with the information on the mixture.
3. All components that are hazardous substances and are present in quantities above one percent (1%) in a mixture must be listed on the material safety data sheet or equivalent data sheet. Whenever valid evidence indicates that a substance or components of a mixture are hazardous at concentrations less than one percent (1%), these ingredients must be listed and the required hazard information provided on manufacturer's labels and data sheets.
4. Impurities known to be present and in quantities below one percent (1%) are exempt from the listing requirements on labels and data sheets unless known to the manufacturer to contribute substantially to the hazard of the mixture.
5. Provision of a properly completed federal OSHA Form 20 "Material Safety Data Sheet" shall be prima facie proof of compliance with the information requirements of a data sheet or the requirements under Minn. Stat. § 182.653, subs. 4b, 4c, and 4e.
6. Any person subject to the provisions of this chapter shall be released from the obligation to provide a specific employer who purchases a hazardous substance with a material safety data sheet if that person has previously provided the specific purchaser with the most recent version of the material safety data sheet.
7. In a research laboratory, a material safety data sheet must be available for each hazardous substance used to produce a new mixture until the manufacturer is able to determine the data sheet information for the new mixture.

B. Alternative data sheet. In lieu of a written document as required by this section, access to a display device shall constitute

compliance if the information is readily accessible in the area or areas in which the hazardous substance is used or handled and a printout of the information is available to the employee requesting it within 24 hours, excluding non-workdays.

8 MCAR § 1.7208 Criteria for technically qualified individuals.

A. Hazardous substances. In a research, medical research, medical diagnostic or medical educational laboratory, health care facility, clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151, it shall be the responsibility of the employer to determine which employees are to be classified as technically qualified individuals. The minimum criteria to be used as guidelines include:

1. A Baccalaureate Degree (or higher) with a major in a technical field from an accredited institution or at least two years' actual experience working with hazardous substances in a research, medical research, medical diagnostic or medical educational laboratory, health care facility, clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151; and

2. The ability to understand the meaning of the entries on a data sheet; and

3. Access to reference materials on hazardous substances handled in the employee's workplace.

B. Harmful physical agents. In a research, medical research, medical diagnostic or medical educational laboratory, health care facility, clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151, it shall be the responsibility of the employer to determine which employees are to be classified as technically qualified individuals. The minimum criteria to be used as guidelines include:

1. A Baccalaureate Degree (or higher) with a major in a technical field from an accredited institution or at least two years' actual experience working with harmful physical agents in a research, medical research, medical diagnostic or medical educational laboratory, health care facility, clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under Minn. Stat. ch. 151; and

2. The ability to understand the meaning of the entries on a data sheet; and

3. Access to reference materials on harmful physical agents pertinent to the employee's workplace.

C. Infectious agents. To qualify as a technically qualified individual with respect to infectious agents in a hospital or clinic, an employee shall meet the following criteria:

1. Possession of a mandatory Minnesota State license as Chiropractor, Dentist, Optometrist, Osteopath, Pharmacist, Physician, Podiatrist, Veterinarian, or Registered Nurse (Licensed Practical Nurses are excluded); or possession of a Baccalaureate Degree (or higher) from an accredited institution in a medical or allied health profession; and

2. With the exception of Dentists, Osteopaths and Physicians, at least one year of actual work experience after January 1, 1984 in a hospital or clinic; and

3. Access to reference texts or resource materials on the communicable infectious agents to which the employee may be routinely exposed in the workplace.

D. Registration of qualifications. Employees who believe they have qualifications (experience, education and specific training with respect to hazardous substances, harmful physical agents or infectious agents) equivalent to those described in Paragraphs A.1., B.1., or C.1. may register those qualifications with the commissioner and request technically qualified individual status. If granted, the registration shall be permanent. If denied, the commissioner shall indicate the reason for denial. An employee may reapply after six months.

8 MCAR § 1.7209 Labeling.

A. Original shipping containers. Original shipping containers containing a hazardous substance shall be labeled. The label shall provide substantially the same precautionary information as required under the training and information requirements in Minn. Stat. § 182.653, subs. 4b, 4c, and 4e; that is, to list the generic names of the components which contribute substantially to the hazards of the substance or mixture and provide precautionary data sheet information on those components; or the label shall provide a coded reference to an appropriate, readily available data sheet containing the above information.

1. Labeling in compliance with the Federal Insecticide, Fungicide and Rodenticide Act or the Federal Hazardous Substances Act shall meet the requirements of the Employee Right-to-Know Act of 1983.

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PROPOSED RULES

2. Drugs used in a health care facility, and labeled in accordance with the requirements of the Federal Food and Drug Administration, shall be deemed to be in compliance with the Employee Right-to-Know Act of 1983.

3. These container labeling requirements do not apply to pipelines in refineries or inter-state or intra-state pipelines whose employees have been trained in accordance with the Employee Right-to-Know Act of 1983.

4. Hazardous substances transported in bulk shall be labeled in accordance with applicable labeling requirements of the American National Standards Institute (ANSI) or the Federal Department of Transportation Standard for Transportation of Hazardous Substances (49 CFR Part 172, Subparts D, E and F).

B. Process containers. Process containers shall be either labeled or coded with the names of the hazardous substances they contain. Immediate-use containers need not be labeled.

C. Label content. Equipment or a work area that specifically generates harmful physical agents at a level which may be expected to approximate or exceed the threshold limit value shall be labeled. The label shall include:

1. The name or names of the physical agent including any commonly used synonym;
2. The level, if any and if known, at which exposure to the physical agent has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially harmful physical agents;
3. The known acute and chronic effects of exposure at hazardous levels;
4. The known symptoms of the effects;
5. Appropriate emergency treatment;
6. The known proper conditions for use of and/or exposure to the physical agent; and
7. The name, phone number and address, if appropriate, of a manufacturer of the harmful physical agent.

D. Certification of existing program. The commissioner may, upon the request of an employer or manufacturer, certify an existing labeling program as complying with the Employee Right-to-Know Act of 1983.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Minnesota Housing Finance Agency

Adopted Temporary Rules Governing Home Energy Loans

Notice is hereby given that the Minnesota Housing Finance Agency has adopted the following temporary rules for the purpose of establishing procedures for application for participation in and setting income limits for Home Energy Loans, pursuant to subdivision 14b of chapter 462A.05 and chapter 462A.27 of Minnesota Statutes.

In accordance with chapter 462A.27 of Minnesota Statutes, these temporary rules were effective commencing September 22,

1983, the date of their adoption by the Minnesota Housing Finance Agency, and will continue in effect for 360 days or until permanent rules are adopted, whichever occurs first.

October 10, 1983

James J. Solem
Executive Director

Rule as Adopted

Chapter Fifteen

12 MCAR § 3.170 Definitions.

- A. Scope. For the purposes of 12 MCAR §§ 3.170 to 3.174, the following terms have the meanings given them.
- B. Borrower. "Borrower" means one or more persons who apply for and receive a loan under 12 MCAR §§ 3.170 to 3.174. A borrower must be a person or family, but need not be of low and moderate income.
- C. Home energy loan. "Home energy loan" means a loan made to a borrower, the proceeds of which are used for energy conservation improvements in an eligible property.
- D. Persons and families of low and moderate income. "Persons and families of low and moderate income" means with respect to home energy loans under chapter fifteen of these rules, persons and families whose adjusted income does not exceed \$24,000, or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

12 MCAR § 3.171 Eligible borrowers.

- A. Interest in Property. A borrower shall individually or in the aggregate possess at least a one-third interest in a fee title, a contract for deed, or a life estate in the property to be improved.
- B. Credit Review. A borrower shall be a reasonable credit risk, and shall be able to pay the loan obligation, as determined by the agency under 12 MCAR § 3.013, or by a lending institution that originates a loan for sale to the agency.
- C. Principal place of residence. A borrower shall occupy the property to be improved as his or her principal place of residence.

12 MCAR § 3.172 Eligible properties.

The property to be improved by a home energy loan is restricted as follows:

- A. The property to be improved may not contain more than one dwelling unit.
- B. The property to be improved may not be in violation of applicable zoning ordinances or other land use guides.
- C. Not more than 15 percent of the total area of the property to be improved may be used primarily in a trade or business.
- D. The property to be improved may not be used as investment property or as a recreational home.
- E. Mobile homes are not eligible for a home energy loan.

12 MCAR § 3.173 Other requirements.

- A. Improvements made with home energy loan funds must satisfy the following requirements:
1. Improvements made with the proceeds of a home energy loan must be a permanent improvement made upon or in connection with an existing structure, and must improve the energy efficiency of the structure or be directly related to energy efficiency.
 2. An improvement must be made in compliance with all applicable health, fire prevention, building, or housing codes and standards; provided, however, that no application for a home energy loan may be denied solely because the improvements will not bring the property into full compliance with these codes and standards.
 3. The proceeds of a home energy loan must be used only to finance new improvements and may not be used to refinance an existing loan or mortgage.

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ADOPTED RULES

4. A borrower shall agree to complete all improvements within nine months of the date of the loan.

B. Conventional financing not available. At the time of application conventional financing must not be available from private lenders upon equivalent terms and conditions.

C. Qualifications of income. In order for a borrower to obtain the preference for persons or families of low and moderate income:

1. All persons who, individually or collectively, possess the type of ownership upon which the application is based, or whose income is to be included for purposes of determining the adjusted income, and spouses of these shall join in the application and shall execute the loan note.

12 MCAR § 3.174 Preference for persons and families of low and moderate income.

A. The agency may, in its sole discretion, give preference to persons and families of low and moderate income by:

1. providing home energy loans to such persons and families at lower rates of interest;
2. providing allocations of funds specifically for use by such persons and families;
3. such other methods as it deems appropriate.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota

Jeffrey and Arliss Fadden,
Appellants,

v.

The Commissioner of Revenue,
Appellee.

Tax Court

In the Matter of the Appeal from the Commissioner's
Order dated 12-1-81 Relating to Income Tax Liability of
Appellants for the Year 1980.

Docket No. 3521

Order Dated September 28, 1983.

The above entitled matter was heard by the Minnesota Tax Court on June 13, 1983, Judge Carl A. Jensen presiding.

Jeffrey B. Fadden, Appellant, appeared on his own behalf.

Paul R. Kempainen, Special Assistant Attorney General, appeared on behalf of the Appellee.

Briefs were subsequently filed by both parties.

Syllabus

A so-called lifetime sale of "personal services property" between Jeffrey Fadden, the Appellant herein, and P&TS, which was stated to be a trust of some kind, does not affect the taxability of income that Fadden received from his employer. The employer is required to withhold income taxes, pay social security taxes, carry worker's compensation, and do any other things required of any other employer.

Findings of Fact

1. The Appellants herein, Jeffrey and Arliss Fadden, are cash-basis, calendar year taxpayers and residents of the State of Minnesota. The taxable year at issue herein is 1980.

2. During the entire year 1980, Appellant Jeffrey Fadden (hereinafter, "Fadden") was employed by Northwest Airlines, Inc. Fadden's employment with Northwest Airlines, Inc., began in 1977 and continues up to the present day. By reason of this employment Fadden was paid by Northwest Airlines, Inc., a total of \$37,674.65 in compensation during the taxable year 1980.

3. During the entire year 1980, Fadden was clearly an employee of Northwest Airlines, Inc. This employment relationship was proven by Fadden's own testimony, by the compensation paid to him, by the issuance of W-2 forms and by the fact that he

was subject to all the controls and entitled to all the employee benefits (e.g. vacation, pension benefits, etc.) as all other employees of Northwest Airlines, Inc. Fadden never quit, or attempted to quit, his employment relationship with Northwest Airlines.

4. In the summer of 1980, Fadden became familiar with an organization called Professional and Technical Services (hereinafter, P&TS) located in New York, and operated by an individual named Frank Forrester. On August 5, 1980, Fadden signed a document called a "personal services contract" with P&TS by which he allegedly assigned or sold all of his future personal services, and the income derived therefrom, to P&TS. However, Fadden's employer, Northwest Airlines, Inc. was never made aware of this alleged contract.

5. Under the arrangement between Fadden and P&TS, Fadden was to take all of his paychecks received from Northwest Airlines, Inc. and sign them over to either P&TS or its designee: International Dynamics, Incorporated (hereinafter, "IDI") an organization also controlled by Forrester. In actual fact, Fadden received his paychecks, which were made out to him, endorsed them over to IDI, and then mailed them to Forrester in New York. After these transactions the money went to an organization called IDI Credit Union, which then proceeded to make payments of money back to Fadden, which he called "gifts" to himself. These payments back to Fadden came shortly after the sending of his paycheck to IDI, but Fadden refused to specify the amounts of the payments.

6. The above described arrangement is in substance a single tax avoidance scheme used by Fadden but controlled by Frank Forrester of New York, who the evidence shows is in charge of P&TS, IDI and IDI Credit Union.

7. The "personal services contract" entered into by Fadden did not in any way sever or otherwise change his status as an employee of Northwest Airlines, Inc. (Findings of Fact 2 and 3, *supra*.) Despite its ostensible "ownership" of Fadden's personal services, P&TS never contacted Northwest Airlines, Inc. in any manner regarding Fadden's employment status, nor did P&TS ever enter into any contract with Northwest Airlines, Inc. regarding Fadden's employment, nor did P&TS ever attempt to find a job for Fadden.

8. On line 1 of Appellants' 1980 Minnesota Income Tax Return, federal adjusted gross income was reported by Fadden. This figure was arrived at after Fadden subtracted from his wage income a total of \$14,628.90 for what he called "Factors discount on accounts receivables—resold" (hereinafter, "Factors discount"), representing the amount of his 1980 paychecks from Northwest Airlines, Inc. he signed over to IDI.

9. Additionally, on his 1980 return as filed, Fadden claimed an itemized miscellaneous deduction of \$1,400.00, for what he called "Advisor Fees for Inv. Assets/Prop." (hereinafter "Advisor Fees"). This deduction was in fact associated with the P&TS contract because the receipt shows that the amount was paid to IDI within a short time of Fadden signing his "personal services contract" with P&TS. IDI is another Forrester-managed trust closely connected with P&TS, to which Fadden sent all his paychecks. Fadden did not show any connection between his payment of \$1,400.00 to IDI and the management, conservation or maintenance of any income producing property.

10. As a result of the above-described subtraction and deduction claimed by Fadden, the Appellants reported only \$79.00 in Minnesota income tax due in 1980, and they claimed a refund of \$1,700.00, in state income tax withheld from Fadden's 1980 paychecks. This refund was never paid. Instead, the Commissioner audited the Appellants' return.

11. Upon audit by the Commissioner of Revenue, Fadden's claimed subtractions for "Factors discount", and his claimed miscellaneous deduction totalling \$1,400.00 were both disallowed. The Appellant's correct 1980 income tax liability was computed by the Commissioner. As a result of these changes, the following additional tax, plus interest, was assessed against the Appellants:

<u>Year</u>	<u>Tax</u>	<u>Interest</u>	<u>Total</u>
1980	\$76.87	\$3.03	\$79.90

The Commissioner issued his Order of assessment for the year 1980 on December 1, 1981.

12. A so-called lifetime sale of "personal services property" between Jeffrey Fadden, Appellant herein, and P&TS, which was stated to be a trust of some kind does not affect the taxability of income that Fadden received from his employer. The employer is required to withhold income taxes, pay social security taxes, carry worker's compensation, and do any other things required of any other employer.

13. Appellee served notice of intent to claim an award under Minn. Stat. § 549.21, for costs, disbursements, attorney's fees and witness fees. A copy of said notice was filed with the Court on June 3, 1983. This statute allows the Court to award costs, disbursements, reasonable attorney fees and witness fees against a party who acted in bad faith, asserted a claim knowing it to be frivolous, asserted an unfounded position to delay the proceedings, or committed a fraud upon the Court. We find that Appellant did act in bad faith, did assert a claim knowing it to be frivolous, and asserted his position to delay the ordinary course of the proceeding, and we find that Appellee should have his costs, disbursements, reasonable attorney's fees and witness fees in accordance with that statute.

Conclusions of Law

1. The Commissioner's Order of assessment for additional taxes for the year 1980 is hereby affirmed.
2. Appellee may make a motion pursuant to the notice of intent referred to in Item 13 of the Findings of Fact herein. Service of notice of such motion must be made within 30 days of this judgment or it shall be considered abandoned.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 28, 1983.

Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

This case is very similar to the case of *Gerald and Betty Landsberger v. Commissioner of Revenue*, Docket No. 3354, which was decided by this Court, June 11, 1982, and which was affirmed by Order of the Supreme Court dated November 10, 1982.

Appellants' reply brief is replete with the use of the word "lies." Appellants charge the Appellee with lies but the Appellee did not testify. Apparently Appellant is characterizing the arguments of Appellee's attorney as being lies. Appellee's statements in his brief are based on testimony of the Appellant. Appellee's interpretation of the statements of Appellant are in accord with the findings of this Court.

This case is almost identical to the case of *Dale and Rhonda Korkowski*, Minnesota Tax Court Docket Nos. 3372 and 3587, dated January 10, 1983. This Court sustained the Commissioner's Orders of assessments for additional taxes in the *Korkowski* case. We stated and repeat from the *Korkowski* case the following:

"The United States Supreme Court in *Lucas v. Earl*, 281 U.S. 111, 50 S.Ct. 241, 74 L.Ed. 731 (1930), clearly stated the law as follows:

"This case is not to be decided by attenuated subtleties. It turns on the import and reasonable construction of the taxing act. There is no doubt that the statute could tax salaries to those who earned them and provide that the tax could not be escaped by anticipatory arrangements and contracts however skillfully devised to prevent the salary when paid from vesting even for a second in the man who earned it. That seems to us the import of the statute before us and we think that no distinction can be taken according to the motives leading to the arrangement by which the fruits are attributed to a different tree from that on which they grew."

This holding in *Lucas v. Earl*, *supra*, has been consistently upheld and reaffirmed.

In *United States v. Bayse*, 410 U.S. 441, 450, 93 S.Ct. 1080, 1086, 35 L.Ed. 2d 412 (1973), the Court said that:

"The principle of *Lucas v. Earl*, that he who earns income may not avoid taxation through anticipatory arrangements no matter how clever or subtle, has been repeatedly invoked by this Court and stands today as a cornerstone of our graduated income tax system."

The holding in the cases has been consistently adopted and applied to the Income Tax Laws of Minnesota. *Drew v. Commissioner of Taxation*, 222 Minn. 186, 23 N.W. 2d 565 (1946); *Fury v. Commissioner*, Dkt. No. 2626 (Aug. 24, 1978), affirmed by order of the Minnesota Supreme Court dated June 11, 1979; *Baldwin v. Commissioner of Revenue*, 309 N.W. 2d 750 (Minn., 1981); and *Landsberger v. Commissioner of Revenue*, Tax Court Dkt. No. 3354 (June 11, 1982), affirmed by the Minnesota Supreme Court dated November 10, 1982.

In his brief Appellant discusses "constructive receipt" at some length. He insists that he did not have constructive receipt of the wages paid to him by Northwest Airlines. Certainly he did not have constructive receipt of those wages. He had "actual receipt" of the wages he received from Northwest Airlines and he then turned those wages over to someone else, apparently either IDI or P&TS. He claims he was required to do this in accordance with a contract with P&TS. That contract is a matter that is between Appellant and P&TS which we are not concerned with. We make no interpretation of that contract. We simply hold that Appellant was employed by Northwest Airlines and that he owed Minnesota income taxes on the wages that he received.

Appellant states the following in his brief:

"The 'Foreign Tax Haven Double Trust' is a non-existent entity manufactured solely by the IRS in Rev. Ruling 80-74 as a false, fictitious, fraudulent, unlawful, illegal piece of propaganda solely to coerce, threaten, harass, libel, and slander U.S. citizens from using PSC in violation of titles 18, 26, and 42 of the U.S. Code."

This is strong language. It would appear that Appellant is having some trouble with the IRS. Whatever that trouble is does not affect the decision in this case.

Appellant's brief states:

"all sellers are independent contractors"

Appellant states that he is a seller of his services to P&TS and that he is an independent contractor. An independent contractor is someone who contracts to do a certain job for someone else. We can not understand what job Appellant was supposed to do for P&TS.

Appellant was not an independent contractor as to his employer, Northwest Airlines. He was simply an employee who was required to do whatever he was instructed to do.

Appellant states in his brief:

"There is only one legal or financial requirement upon P&TS and that is to arrange for workmen's compensation . . ."

If in fact Appellant was an independent contractor engaged to do some specific job for P&TS, then P&TS has no obligation to provide workers compensation insurance. The fact is, however, that Appellant was an employee of Northwest Airlines and Northwest Airlines was required to carry workers compensation coverage for him. Minnesota law and cases are very clear on this subject and Northwest Airlines or any other employer can not avoid its obligations relative to workers compensation, unemployment compensation, and other requirements of employers by stating that it only engages independent contractors and not employees. If this could be done a lot of employers would probably do it since it would save them considerable sums.

Appellee gave timely notice of intent to claim an award under Minn. Stat. § 549.21 which reads in part as follows:

"Upon motion of a party, the court in its discretion may award to that party costs, disbursements, reasonable attorney's fees and witness fees if the party or attorney against whom costs, disbursements, reasonable attorney and witness fees are charged acted in bad faith asserting a claim or defense knowing it to be frivolous; asserted an unfounded position solely to delay the ordinary course of the proceeding or to harass; or committed a fraud upon the court. To qualify for an award under this section, a party shall give timely notice of intent to claim an award."

The facts in this case are almost identical to the facts in the case of *Landsberger v. Commissioner of Revenue*, Tax Court Docket No. 3354, June 11, 1982 which was summarily affirmed by the Minnesota Supreme Court on November 10, 1982 and a petition for Writ of Certiorari to the United States Supreme Court was denied on April 18, 1983. P&TS and IDI were involved in the *Landsberger* case and in this case in the same manner. We find that Appellant was aware of the final decision in that case and that his continued maintenance of his appeal in this case constitutes acting in bad faith and making a claim that is frivolous and we are therefore allowing Appellee to move for payment as provided in Minn. Stat. § 549.21.

C.A.J.

SUPREME COURT

Decisions Filed Friday, September 30, 1983

Compiled by Wayne O. Tschimperle, Clerk

C1-83-734 Raymond S. Buganski, Jr., Appellant v. Onan Corporation and Insurance Company of North America. Workers' Compensation, Court of Appeals.

The Workers' Compensation Court of Appeals did not have jurisdiction to determine that employee did not sustain permanent partial disability to his left arm when the parties had previously entered a stipulation for settlement of that issue in which they agreed that employee had sustained such disability, disagreeing only on the extent thereof, and an order had been issued by a compensation judge approving the settlement and, pursuant thereto, awarding compensation for a 10% permanent partial disability of the arm.

The case is remanded for reconsideration of the finding that employee sustained a 15% permanent partial disability of the back after the parties have been afforded an opportunity to question the medical witness who assigned that rating concerning the extent to which employee's arm symptoms were reflected in it.

The record establishes that employee sustained simultaneous injury to his back and arm. Minn. Stat. § 176.101, subd. 3(46) (1982), is therefore applicable to the compensation ultimately awarded to employee for permanent partial disability of his back.

Affirmed in part, reversed in part, and remanded.

Peterson, J.

SUPREME COURT

C-5-83-445 State of Minnesota ex rel. Bruce Lynn Bursaw, etc., Appellant, v. Donald Omodt, Hennepin County Sheriff. Hennepin County.

District Court properly denied habeas corpus in extradition proceeding.

Affirmed.

Kelley, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Corrections Community Services Division

Notice of Availability of Funds for Battered Women Programs

Notice is hereby given that the Department of Corrections intends to engage the services of grantees to conduct education on the issue of battered women or to provide direct advocacy services for battered women in the Southeast Asian refugee communities in Minnesota from January 1, 1984 to June 30, 1984.

This project will be financed out of funds made available by the Minnesota Legislature. A total of \$17,000 will be available. Any nonprofit corporation serving the Southeast Asian communities is eligible to apply. Proposals are due no later than November 4, 1983.

Direct inquiries to:

Maggie Arzdorf-Schubbe, Director
Program for Battered Women
Minnesota Department of Corrections
430 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
(612) 296-6463

September 21, 1983

World Trade Center Commission

Notice of Request for Proposals Regarding Site and Design of a World Trade Center Facility in Minnesota

The World Trade Center Commission is charged with studying the feasibility, size, scope, site, development, bonding authority, costs and amount of private and public financial commitment required for a Minnesota World Trade Center.

The commission is seeking proposals for site location, design, and development of a facility to meet the space and service needs of business and government tenants engaged in international trade. Among the facilities desired are tenant space, meeting facilities, exhibition space, club facilities, and parking areas.

The proposals submitted to the commission will be used in preparing conclusions and recommendations for a report to the governor and the legislature concerning a World Trade Center.

Details of the request for proposals will be available after October 10, 1983.

Those interested in receiving the request for proposal may contact Gerald J. Isaacs, World Trade Center Commission, 300 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota, 55101.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Housing Finance Agency Home Improvement Division

Notice of Funding Availability for Residential Rental Energy Conservation

As announced by the Minnesota Housing Finance Agency in the *State Register* dated September 26, 1983, funds have been received from the Solar Energy and Energy Conservation Bank of the U.S. Dept. of Housing and Urban Development for the purpose of upgrading the energy efficiency of rental residential property, and are available in those communities participating in implementing the Rental Subsidy Program. In addition to those previously announced, the following communities and lenders are participating in implementing this program:

Community: City of Faribault
Participating Lender:

Norwest Bank
25 Northwest 4th St.
Faribault, MN 55021
(507) 334-5546

Community: City of St. Paul

Cherokee State Bank
607 S. Smith Ave.
St. Paul, MN 55107
(612) 227-7071

First Bank State
1000 Payne Ave.
St. Paul, MN 55101
(612) 778-2654

First Bank Grand
1071 Grand Ave.
St. Paul, MN 55105
(612) 292-1071

Additional communities participating in implementing the program will be identified in future Notices. For more information on the Program, contact:

Diane Sprague
Minnesota Housing Finance Agency
333 Sibley Street, Suite 200
St. Paul, MN 55101
(612) 296-7615

Department of Health Maternal and Child Health Division

Notice of Availability of Maternal and Child Health Grants

The Maternal and Child Health Technical Services Section of the Minnesota Department of Health (MDH) is soliciting grant requests from current Maternal and Child Health (MCH) grantees of the Department of Health interested in reapplying for continuation of their projects in calendar years 1984 and 1985.

Legal Authority and Applicable Rules

This Notice of Availability is authorized under the 1983 Amendments to Minnesota Statutes Section 145.88 (1982). Temporary Rules Relating to Distribution of Federal Maternal and Child Health Block Grant Funds, as published in the June 6, 1983 *State Register* are applicable.

Purpose and Eligibility

It is a goal of the Federal Maternal and Child Health Block Grant Program (Title V, SSA) to assure that mothers and children, particularly those with low income or limited availability to health services, have access to quality maternal and child health services. The program includes services for reduction of infant mortality, reduction of preventable diseases, meeting the health needs of children with handicapping conditions, and promoting the health of mothers and children—particularly those with greatest need. Non-competitive Maternal and Child Health grants will be made available to current grantees interested in reapplying for continuation of existing projects.

How to Apply for Funds

A re-applicant should submit a Letter of Intent to reapply for funds to the Commissioner of Health. The Letter of Intent should be received by the MDH no later than 4:30 p.m., Wednesday, October 19, 1983, and must include the name of the re-applicant agency, name and telephone number of an agency contact person (including area code), an estimate of the amount to be requested for each of the calendar years 1984 and 1985, and a statement of the purpose for which funds may be requested. Non-Community Health Services (CHS) agencies should also submit a copy of the Letter of Intent to the local Board(s) of Health in their geographical service area.

Following submission of a Letter of Intent, the re-applicant agency shall prepare a grant application containing the information specified in 7 MCAR 1.452 D. and MN Statutes 145.885 (as amended by Minnesota Laws 1983, Chapter 312, Article 4, Section 5). A copy of this Rule and Statute and application forms and instructions may be obtained by contacting the Department representative specified herein. Separate budgets should be prepared for both calendar years 1984 and 1985. The total MCH funding which may be requested by a re-applicant from the Non-competitive MCH Grants Program in calendar years 1984 and 1985 shall not exceed the funds awarded for that agency for calendar year 1983.

The completed re-application must be submitted to the appropriate Regional Development Commission(s) (RDC), Health Systems Agency(s) (HSA), and local Board(s) of Health for their review and comment no later than the deadline for receipt of the application at the MDH. Their comments are to be sent to the Commissioner of Health to be considered as part of the review processes of the MDH. Five (5) copies of the completed re-application must be received by the MDH on or prior to 4:30 p.m., Tuesday, November 15, 1983.

Award of Funds

In keeping with criteria established in the Temporary Rule, re-applications will be reviewed as submitted, by staff and an external grants review committee and the Maternal and Child Health Advisory Task Force. Re-applicant agencies will be notified in writing of the status of the re-application no later than December 31, 1983. Approved re-applications will be incorporated into a contract between the MDH and the grantee.

Duration of Funding

Funds for approved grants for these purposes will be awarded for a two-year period, starting January 1, 1984.

Information regarding Non-competitive Maternal and Child Health grants may be obtained by contacting:

Ronald G. Campbell, M.D., M.P.H., Chief
Section of Maternal and Child Health Technical Services
Minnesota Department of Health
717 SE Delaware Street
P.O. Box 9441
Minneapolis, MN 55440
Telephone: (612) 623-5539

Minnesota Pollution Control Agency Solid and Hazardous Waste Division

Notice of Intent to Solicit Outside Opinion Regarding Rules Establishing Fee Systems for Hazardous Waste Generators and Hazardous Waste Facilities

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is seeking information or opinions from sources outside the agency in preparing rules pursuant to Minnesota Laws 1983, chapter 121, section 25 which requires establishment of hazardous waste fee schedules by rule. The 1983 State Departments Appropriations Bill directs the agency to raise \$794,400 in the biennium ending June 30, 1985 through the collection of fees.

The law requires establishment of fee schedules for hazardous waste facility permit application fees, annual facility operator's fees, permit reissuance fees, hazardous waste generator fees, and a generator surcharge. The facility fees should be representative of the work years of effort required by the agency to complete review of permit applications and to assure compliance of facility operations with permits and rules. The generator fees can be no higher than the fees imposed by the metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington).

The Minnesota Pollution Control Agency requests information and comment concerning the subject of these rules.

Written technical statements and comments concerning these matters will be accepted for consideration until October 21, 1983, and should be addressed to the following.

Steven A. Reed
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

Oral statements of technical information and comments will be accepted during regular business hours over the telephone at 612/296-7786 or in person at the above address.

Any written material received by the Minnesota Pollution Control Agency shall become part of the background record regarding these rules.

Department of Public Welfare Mental Health Bureau

Notice of Intent to Solicit Outside Opinion Concerning Proposed Temporary Rules on Medical Assistance Funding for Very Dependent Mentally Retarded Persons with Special Needs

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft Temporary Rules 12 MCAR §§ 2.18601-2.18607, Medical Assistance Funding for Very Dependent Mentally Retarded Persons with Special Needs. These rules will apply to Developmental Achievement Centers and Other Training and Habilitation Services, Waivered Services, and Intermediate Care Facilities for the Mentally Retarded.

Authority for these rules is contained in Laws of 1983, chapter 312, article 9.

All interested or affected persons or groups are requested to participate.

Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Cindy Becker
Mental Health Bureau/Division of Mental Retardation
Department of Public Welfare
Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6916.

OFFICIAL NOTICES

All statements of information and comment must be received by November 10, 1983. Any written material received by the Department shall become part of the rule file submitted to the Attorney General, Administration Division for review for legality.

The proposed rules are expected to be published in December, 1983. Upon publication, there will be another period for public comment before the rules are adopted.

Minnesota Department of Public Welfare Social Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Temporary Rules Governing Relocation of Residents of Long Term Care Facilities

Notice is hereby given that the Department of Public Welfare is seeking information or opinions from sources outside the agency in preparing to promulgate temporary rules to govern the relocation of residents of long term care facilities. The promulgation of these rules is authorized by Minnesota Laws, 1983, chapter 199 section 5 and section 16. The Minnesota Department of Welfare, Social Services Division, requests information or opinions from sources outside the agency concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Jim Varpness
Long Term Care Ombudsman Program
Minnesota Board on Aging
Suite 204
Metro Square Building
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 612-296-7465 and in person at the above address.

All statements of information and comment shall be accepted until October 21, 1983.

Department of Natural Resources

Notice of Sale of State Copper-Nickel Mining Leases

Notice is hereby given that a sale of leases to prospect for, mine and remove copper, nickel, and associated minerals in trust fund lands, lands forfeited for non-payment of taxes, lands otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Beltrami, Cook, Itasca, Koochiching, Lake, Lake of the Woods, Marshall, Roseau and St. Louis Counties, will be held in Conference Room A of the Veterans Service Building, St. Paul, Minnesota, located at the south end of the State Capitol Mall, at 9:00 o'clock a.m. on November 15, 1983. No land or water areas within the Boundary Waters Canoe Area Wilderness are included in this lease sale.

Prior to the time of sale, the Commissioner of Natural Resources, Box 45, Centennial Office Building, St. Paul, Minnesota 55155, will receive sealed bids and applications for leases covering minerals in state lands, in accordance with 6 MCAR § 1.0094, the copper-nickel rules, issued under the authority of Minnesota Statutes §§ 93.08-93.12 and 93.25.

Each application and bid, together with a certified check, cashier's check, or bank money order, payable to the State Treasurer in the sum of \$50.00, must be submitted in a bid envelope obtained from the commissioner.

At the time specified, the commissioner, together with the State Executive Council, will publicly open the bids and announce the amount of each bid separately. Leases will be awarded by the commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the state, through the Executive Council, to reject any or all bids.

The purpose of Minnesota's copper-nickel rules is to promote and regulate the prospecting for, mining and removal of copper, nickel and associated minerals on State-owned and State-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and addressment of certain environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws. In the absence of satisfactorily demonstrated past technical and financial competence to perform under similar circumstances, the commissioner may require bidders to submit information

relating to their technical and financial competence to perform under the state's lease to prospect for, mine, and remove copper, nickel, and associated minerals. If the commissioner makes such a request of a bidder, the information shall be submitted by the bidder within 30 days after the date of the commissioner's request.

Upon the award of a lease, the check submitted with the bid will be deposited with the State Treasurer as a fee for the lease. All bids not accepted will become void, and the checks accompanying such bids will be returned to the respective bidders.

Application and bid forms, bid envelopes, instructions on how bids are to be submitted, copies of the rules (6 MCAR § 1.0094), and copies of the Copper-Nickel Unit Books listing the land areas designated by the commissioner as mining units, may be obtained from Elwood F. Rafn, Director, Division of Minerals, Box 45, Centennial Office Building, St. Paul, Minnesota 55155.

Application for each copy of the Copper-Nickel Unit Book must be accompanied by a certified check, cashier's check, or bank money order, payable to the State Treasurer in the sum of \$25.00, as a fee for such mining unit book, plus \$1.50 State of Minnesota Sales Tax. Unit Books will also be available for inspection at the Hibbing and St. Paul Offices of the Division of Minerals on or about October 14, 1983.

October 10, 1983

Joseph N. Alexander, Commissioner
Department of Natural Resources

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is November 1, 1983.

CABLE COMMUNICATIONS BOARD has 1 vacancy open for a public member. The board establishes rules and standards for cable communications in the state; approves service territories; provides consultant services; and represents the state before the federal communication commission. Members are appointed by the Governor and confirmed by the Senate; members must file with EPB and may not be employed by or have financial interest in any cable communications company or subsidiaries; no more than 4 members may be of the same political party. Monthly meetings are held; members receive \$35 per diem plus expenses. For specific information contact the Cable Communications Board, 500 Rice Street, St. Paul 55101; (612) 296-2545.

METROPOLITAN TRANSIT COMMISSION has 1 vacancy open for a public representative from commission district H. The commission owns and operates mass transit services in the metropolitan area; develops mass transit policy for the area; sets policy for coordination of transit programs with the objective of improving existing mass transit systems; and promotes the use of car pools and employer vans. Members appointed by the Metropolitan Council and confirmed by the Senate.

Members must file with EPB; 4 year terms, staggered; members must reside in district to which appointed except chairman. Monthly meetings are held; members receive \$50 per diem plus expenses. For specific information contact the Metropolitan Transit Commission, 801 American Center Bldg., St. Paul 55101; (612) 221-0939.

INVESTMENT ADVISORY COUNCIL has 1 vacancy open for a member with experience in general investment matters. The council advises the Board of Investment on policy relating to investments of state funds. Members are appointed by the Board of Investment. Members must file with EPB, and receive no compensation. For specific information contact the Investment Advisory Council, MEA Bldg., Room 105, 55 Sherburne Ave., St. Paul 55155; (612) 296-3328.

CITIZENS' COUNCIL ON VOYAGEURS NATIONAL PARK has 2 vacancies open immediately; one for an at-large member outside of St. Louis County and a new position for an at-large member. The committee researches all matters related to the establishment and operation of Voyageurs National Park; and makes recommendations to the U.S. National Park Service and other federal and state agencies concerned. Members are appointed by the Governor; quarterly meetings are held; members receive \$35 per diem plus expenses. For specific information contact the Citizens' Council on Voyageurs National Park, 201 3rd Street, International Falls 56649; (218) 283-3507.

Minnesota Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, October 28, 1983, at 9 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the board.

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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